

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1 – 8 remain in the application. Applicant appreciates and acknowledges the Examiner's indication that claims 4-6 and 8 include allowable subject matter.

Claims 1-3 and 7 stand rejected as being anticipated under 35 U.S.C. §102(b) by U.S. Patent 5,518,049 to Herbreteau et al. (hereinafter Herbreteau). For the following reasons, the Examiner's rejection is traversed.

Herbreteau is directed to a device for filling a receptacle R by lowering it onto a needle which pierces it. The portions of the installation adjacent to the bottom of the receptacle R, which could be polluted by ill-timed projections of liquid from the needle, are washed and dried by nozzles for washing the zones potentially reached by the projections, as well as the needle itself, this washing and drying being followed by drying by suction orifices.

In general, Applicant's claimed invention concerns maintaining cleanliness in the area of an open mouth of a container. Specifically, all unclean gas or particles coming out of the inside of the container have to be removed from the mouth and nothing unclean should be able to enter the mouth. Herbreteau, in contrast, does not disclose open mouthed containers, but rather a sealed container R and, thus, such concerns in the area of the mouth are not discussed in Herbreteau.

Regarding claim 1 specifically, Herbreteau does not disclose "slot nozzles configured in substantially mutually opposite air jet directions in such manner that a rammed gas flow is generated between the slot nozzles", as required. Rather, Herbreteau discloses nozzles 27, 28 and 29 which distribute *liquid* for washing the bottom of the container R. These nozzles do not discharge air. Further, they are not configured to produce a rammed flow of gas, or even liquid for that matter. The jets in Herbreteau produce a swirl of liquid. The distributed flow of liquid, in Herbreteau, is not meant to contact other distributed flows, but instead to contact the container for washing purposes.

Additionally, the equipment disclosed by Herbreteau is not equipment for treating open beverage containers, as required. Rather, the container R in Herbreteau is a closed container that is pierced by a needle in order to be filled.

Further, the equipment disclosed by Herbreteau does not include a treatment element acting from above on the container mouth. Rather, the nozzles disclosed by Herbreteau act from below the container R.

The Examiner states that in Herbreteau, the filling container 6 satisfies the elements of claim 1, however, Applicant respectfully disagrees. In Herbreteau, element 6 is a sampling block on top of a liquid container 3. The sampling block is not a container. The liquid container 3 itself does not include an open mouth (thus not an open container) and none of the nozzles 27, 28, 29 interact with this liquid container 3. Only nozzle 29 is used to wash the end of the needle 5 that protrudes from container 3.

Regarding claim 2, Herbreteau does not disclose a plane of symmetry between the center of two opposed nozzles being configured below the mouth of a

container when the container is in a treatment position. Rather, in Herbreteau, container R is not shown as having a mouth, but rather is pierced to permit access. Regarding liquid tank 3, even if the top of tank 3 is considered to be its mouth, the mouth is located below all of the nozzles 27, 28, 29 of the tool carrier apparatus.

Claims 3 and 7 depend directly from claim 1 which is believed to be patentable for the reasons stated above.

For at least the reasons stated above, reconsideration and withdrawal of the rejection of claims 1-3 and 7 under §102(b) is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. SCH-16669.

Respectfully submitted,

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